

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2009CP3930
)	EEOC NO.: N/A
GEORGE BLAKEMORE)	ALS NO.: 10-0173
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Sakhawat Hussain, M.D., Spencer Leak, Sr., and Diane M. Viverito presiding, upon George Blakemore's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")^[1] of Charge No. 2009CP3930; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, **THEREFORE**, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

LACK OF SUBSTANTIAL EVIDENCE

In support of which determination the Commission states the following:

1. On May 11, 2009, the Petitioner filed an unperfected charge of discrimination with the Respondent. He perfected the charge on May 22, 2009. The Petitioner alleged the Metropolitan Water Reclamation District of Greater Chicago ("the District") denied him the full and equal enjoyment of its facilities and services because of his race, Black (Count A), and in retaliation for having filed a previous charge of discrimination (Count B), in violation of Sections 5-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On February 5, 2010, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence. On March 11, 2010, The Petitioner filed this timely Request.
2. The District holds board meetings that are open to the public. The Respondent determined that on February 21, 2008, the District had adopted new visitor rules. One new rule was that for security purposes visitors were only permitted to bring one bag into the boardroom during the District's board meetings. The District did not publicly post this "one-bag" rule.
3. On February 5, 2009, the Petitioner attended the District's scheduled board meeting. The Petitioner was required to pass a security check point prior to entering the boardroom. The Petitioner had two bags with him. Security guards informed the Petitioner that he could only bring one bag into the boardroom. The Petitioner "checked in" one bag and left it with security. Thereafter the Petitioner was permitted to enter the meeting room with one bag.

^[1] In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

4. The District's Regular Board Meeting Minutes of February 5, 2009, reflect the Petitioner spoke three times during the District's board meeting on three topics.
5. On February 5, 2009, after attending and participating in the District's board meeting, the Petitioner went to the City of Chicago Commission of Human Relations ("Human Relations"). The Petitioner filed a charge of discrimination against the District with Human Relations. The Petitioner had also previously filed a charge of discrimination against the District with the Respondent in 2000.
6. In the charge of discrimination now pending before the Commission, the Petitioner alleged in Count A that the District discriminated against him because he was required to check his bag while non-Black citizens were not required to check their additional bags. In Count B, the Petitioner alleged the District retaliated against him on February 5, 2009, because he had filed charges of discrimination against the District in 2000 and on February 5, 2009.
7. In his Request, the Petitioner argues that an employee of the District who was a witness to the events of February 5th failed to attend the fact-finding conference. The Petitioner also contends the District never officially adopted a "one-bag" rule and the District failed to post public notice of the "one-bag" rule.
8. In its Response, the Respondent asks the Commission to sustain the dismissal of the Petitioner's charge for lack of substantial evidence.

Conclusion

The Commission concludes the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258, *2 (March 7, 1995).

As to Count A, there is no substantial evidence the Petitioner was denied the full and equal enjoyment of a public accommodation because of his race. The Petitioner entered the District's facilities with the intent to attend a public board meeting. The Petitioner was in fact permitted to attend the District's board meeting. The Petitioner also fully participated in the District's board meeting. The fact that the Petitioner was limited to bringing one bag into the boardroom did not hinder his ability to fully participate in the District's board meeting. As such, the Petitioner's *prima facie* case fails because there is no substantial evidence the Petitioner was denied the full and equal enjoyment of the District's facilities. See In the Matter of Velma J. Henderson and Steak N Shake, Inc., IHRC, Charge No. 1996CP2939 (March 24, 1994), 1999 WL 33252627 (Ill.Hum.Rts.Com.)

Count B was also properly dismissed for lack of substantial evidence. A *prima facie* case of retaliation requires evidence that: (1) the Petitioner engaged in a protected activity; (2) the District committed an adverse action against him; and (3) a causal connection exists between the protected activity and the adverse action. See Welch v. Hoeh, 314 Ill.App.3d 1027, 1035, 733 N.E.2d 410, 416 (3rd dist. 2000).

As discussed previously in this Order, the Petitioner was allowed to fully participate in the District's board meeting. Requiring the Petitioner to check one of his bags in no way prevented the Petitioner from fully participating in the District's board meeting. Therefore, Count B fails because there is no substantial evidence the District committed an adverse action against the Petitioner.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of his charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

WHEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and, Metropolitan Water Reclamation District of Greater Chicago as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

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Entered this 27th day of October 2010

Commissioner Sakhawat Hussain, M.D.

Commissioner Spencer Leak, Sr.

Commissioner Diane M. Viverito